

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TEXTRON INNOVATIONS INC.,

Plaintiff,

V.

THE TORO COMPANY,

Defendant.

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C. A. No. 05-486 (GMS)

JURY TRIAL DEMANDED

**AMENDED NOTICE OF VIDEOTAPED DEPOSITION AND REQUEST FOR
DESIGNATIONS OF PERSONS TO TESTIFY UNDER FED.R.CIV.P. 30(b)(6)**

PLEASE TAKE NOTICE that on **Wednesday, January 24, 2007**, commencing at **9:00 a.m.**, at the offices of Merchant & Gould, 901 - 15th Street N.W., Suite 850, Washington, D.C. 20005, or at some other place mutually agreed upon by counsel, Defendant will take the videotaped deposition of Textron Innovations Inc., which includes, but is not limited to, Textron, Inc., Jacobsen, a division of Textron, Ransomes Inc., Ransomes America Corp., Cushman, Inc. and their parents and subsidiaries (hereinafter "Textron") upon oral examination pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure on the following topics:

1. The types and location of documents generated or maintained in the course of conceiving of and developing the Textron products allegedly covered by the patents-in-suit.
2. The location of Textron's Product Planning Committee Meeting minutes and Agendas from 1988 through 2002, the types of information contained therein, the

topics generally covered in such meetings, the locations of such meetings and the persons likely to have attended such meetings.

3. Textron's search for documents and things in response to Toro's discovery requests, including the locations, files, entities and documents searched (including but not limited to the files and documents of past and present employees of Textron), methods, procedures, search requests and/or document retention policies used by Textron to comply with Toro's discovery request.
4. Textron's document storage facilities, both U.S. and foreign (Ipswich, U.K.), including paper and electronic storage facilities, archiving procedures, and document retention policies from 1988 through 2002.
5. Textron's knowledge of the Buchanan article, "Rotaries take to golf courses."
6. Textron's knowledge of Risboro Turf and the RTS Rotary Cutters brochure, Bates No. Toro 000027, and location of any documents concerning Risboro Turf.
7. Textron's knowledge of the Lesco 500 Rotary and location of any documents concerning or referencing the Lesco 500 Rotary mower.
8. The identity of the Textron employee(s) or former employee(s) that attended the 1988 and 1990 GCSAA tradeshow.
9. Textron's knowledge of Nunes's Rotary Mowers available before February 3, 1997.
10. Textron's knowledge of U.S. Patent No. 5,305,589 to Rodriguez.
11. Textron's compliance with the marking statute, 35 U.S.C. § 287, for the products allegedly covered by the patents-in-suit.

12. The ownership of the patents-in-suit from the applications' filing to the present and Textron's corporate structure relevant thereto.
13. Textron's licensing of the patents-in-suit, any gang-type rotary lawnmowers, and any rotary cutting units having rollers from 1995 to the present.
14. The Jacobsen HR 4600 gang-type rotary mower, including the development, first offer for sale, and first public disclosure and the manner of such disclosure (i.e. through brochures, product release, tradeshow).
15. Each different structure of the commercial embodiment of the patents-in-suit and the dates such changes took place concerning the rotary cutting units.
16. The basis for adding Mr. Randal Knurr as a joint inventor of U.S. Patent No. 6,336,312.
17. The authentication of Documents produced by Textron or Textron documents produced by Toro.

Said deposition will be taken by stenographic and videographic means before a notary public and will continue from day to day as necessary until completed.

Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure and the parties agreement, Textron is requested to identify the person or persons who will testify on its behalf on each of the topics identified above. Defendant requests that, prior to the commencement of the deposition, Textron supply a written designation of persons who will testify on its behalf and an indication of the topic(s) for which each such person is designated.

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

Earl D. Reiland
Anthony R. Zeuli
Thomas J. Leach
MERCHANT & GOULD P.C.
3200 IDS Center
80 South 8th Street
Minneapolis, MN 55402
(612) 332-5300

Dated: January 12, 2007

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By: /s/ David E. Moore
Richard L. Horwitz
David E. Moore
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, Delaware 19899-0951
(302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

Attorneys for Defendant The Toro Company

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on January 12, 2007, the attached document was electronically mailed and hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading:

Edmond D. Johnson
Thomas H. Kovach
Pepper Hamilton LLP
Hercules Plaza, Suite 5100
1313 North Market Street
Wilmington, DE 19899-1709
Johnsone@pepperlaw.com
kovacht@pepperlaw.com

I hereby certify that on January 12, 2007, I have Electronically Mailed and Federal Expressed the documents to the following:

Christopher C. Campbell
Hunton & Williams LLP
1900 K Street, N.W.
Washington, DC 20006-1109
srobertson@hunton.com
ccampbell@hunton.com
mlouey@hunton.com
lmarlatt@hunton.com
fmckeon@hunton.com
dmckim@hunton.com
jalbert@hunton.com

David Young
Hunton & Williams LLP
1751 Pinnacle Drive, Suite 1700
McLean, Virginia 22102
mpphelps@hunton.com
dyoung@hunton.com

By: /s/ David E. Moore
Richard L. Horwitz
David E. Moore
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, Delaware 19899-0951
(302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com